

ASSEMBLY BILL

No. 933

Introduced by Assembly Members Skinner and Hall

February 22, 2013

An act to amend Section 23363.1 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 933, as introduced, Skinner. Distilled spirits manufacturers: licenses: tastings.

Existing law, the Alcoholic Beverage Control Act, authorizes a licensed distilled spirits manufacturer to conduct tastings of distilled spirits produced or bottled by, or produced or bottled for, the licensee, on the licensed premises, under specified conditions. Existing law generally prohibits a manufacturer, winegrower, manufacturer's agent, California winegrower's agent, rectifier, distiller, bottler, importer, or wholesaler from, among other things, giving or lending any money or other thing of value, directly or indirectly, to any person engaged in operating, owning, or maintaining any off-sale licensed premises. Existing law excepts from this prohibition the listing of names, addresses, telephone numbers, and e-mail addresses, among other things, if specified conditions are met. Existing law provides that a violation of the act is a misdemeanor unless otherwise specified.

This bill would revise the conditions upon which a distilled spirits manufacturer may conduct tastings, authorize a licensed distilled spirits manufacturer to charge consumers for tastings on its licensed premises, and would impose additional conditions on the provision of tastings by the licensee on the licensed premises. The bill would include in these conditions that tastings of distilled spirits not exceed an unspecified

amount and be limited to an unspecified number of tastings to be provided to an individual per day. The bill would permit a distilled spirits manufacturer, under specified conditions, for tastings conducted at a licensee’s premises, to display or provide to individuals a listing of the names, addresses, telephone numbers, e-mail addresses, or Internet Web site addresses, of two or more unaffiliated off-sale retailers selling their products. By expanding the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23363.1 of the Business and Professions
 2 Code is amended to read:
 3 23363.1. (a) A distilled spirits manufacturer’s license
 4 authorizes the licensee to conduct tastings of distilled spirits
 5 produced or bottled by, or produced or bottled for, the licensee,
 6 on or off the licensee’s premises. ~~Distilled~~
 7 (b) (1) *Distilled* spirits tastings may be conducted by the
 8 licensee off the licensee’s premises only for an event sponsored
 9 by a nonprofit organization ~~and only if persons attending the event~~
 10 ~~are affiliated with the sponsor. No distilled spirits shall be sold or~~
 11 ~~solicited for sale in that portion of the premises where the distilled~~
 12 ~~spirits tasting is being conducted. Notwithstanding Section 25600,~~
 13 ~~the licensee may provide distilled spirits without charge for any~~
 14 ~~tastings conducted pursuant to this section. A distilled spirits~~
 15 ~~manufacturer shall not sell or solicit sales of distilled spirits at~~
 16 ~~such event. The sponsoring organization shall first obtain a permit~~
 17 ~~from the department.~~
 18 ~~(b)~~
 19 (2) For purposes of this ~~section~~ subdivision, “nonprofit
 20 organization” does not include any community college or other
 21 institution of higher learning, as defined in the Education Code,
 22 nor does it include any officially recognized club, fraternity, or

1 *sorority, whether or not that entity is located on or off the*
2 *institution's campus.*

3 ~~(1) "Nonprofit organization" does not include any community~~
4 ~~college or other institution of higher learning, as defined in the~~
5 ~~Education Code, nor does it include any officially recognized club,~~
6 ~~fraternity, or sorority, whether or not that entity is located on or~~
7 ~~off the institution's campus.~~

8 ~~(2) "Affiliated with the sponsor" means directors, officers,~~
9 ~~members, employees, and volunteers of bona fide charitable,~~
10 ~~fraternal, political, religious, trade, service, or similar nonprofit~~
11 ~~organizations and their invited guests. Persons "affiliated with the~~
12 ~~sponsor" also includes up to three guests invited by persons~~
13 ~~described in this paragraph.~~

14 ~~(e) The sponsoring organization shall first obtain a permit from~~
15 ~~the department.~~

16 *(c) Tastings on the licensee's premises shall be subject to the*
17 *following conditions:*

18 *(1) Tastings of distilled spirits shall not exceed ____ and shall*
19 *be limited to no more than ____ tastes per individual per day.*

20 *(2) Tastings shall only include the products that are authorized*
21 *to be sold by the licensee.*

22 *(3) A person under 21 years of age shall not serve tastes of*
23 *distilled spirits.*

24 *(d) Notwithstanding Section 25600, the licensee may provide*
25 *distilled spirits without charge for any tastings conducted pursuant*
26 *to this section. The licensee may charge for tastings conducted by*
27 *the licensee on its licensed premises.*

28 *(e) Notwithstanding Section 25500, for tastings conducted at a*
29 *licensee's premises, a distilled spirits manufacturer may display*
30 *or provide to individuals a listing of the names, addresses,*
31 *telephone numbers, e-mail addresses, or Internet Web site*
32 *addresses, of two or more unaffiliated off-sale retailers selling*
33 *their products. This action shall not constitute a thing of value or*
34 *prohibited inducement to the listed off-sale retailer, provided all*
35 *of the following conditions are met:*

36 *(1) The listing does not also contain the retail price of the*
37 *product.*

38 *(2) The listing is the only reference to the off-sale retailers*
39 *displayed or provided.*

1 (3) *The listing does not refer only to one off-sale retailer or only*
2 *to off-sale retail establishments controlled directly or indirectly*
3 *by the same off-sale retailer.*

4 (4) *The listing is made by, or produced by, or paid for,*
5 *exclusively by the distilled spirits manufacturer.*

6 ~~(e)~~

7 (f) The department may adopt rules and regulations as it
8 determines to be necessary for the administration of this section.

9 SEC. 2. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.